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ABSTRACT

This monograph provides a general description of the four major components of the Bilingual Education Act of 1984, with the text of the Act itself appended. The first section discusses the law's general provisions. The second section introduces three of the major programs funded under Part A of the Act: (1) transitional programs; (2) developmental programs; and (3) special alternative instructional programs, all designed to help the limited-English proficient student achieve competency in English. The third section describes additional instructional programs authorized under Part A: academic excellence programs; family English literacy programs; preschool, special education, and gifted and talented programs; and instructional materials programs. In the fourth section, Part B funding available for data collection, evaluation, and research is outlined. In the next section the availability of Part C funding for training and technical assistance is sketched. The sixth and final section deals with Part D, the administrative dimension of the Act, outlining the roles of : (1) the Office of Bilingual Education and Minority Languages Affairs; (2) the Secretary of Education; and (3) the National Advisory and Coordinating Council on Bilingual Education. (RDN)

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The 1984 Bilingual Education Act

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with an overview by
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Introduction

The Bilingual Education Act of the Education Amendments of 1984 reauthorizes bilingual education until September 1988. The provisions of this new law as well as application procedures for programs authorized by the legislation will be delineated in regulations to be issued by the U.S. Department of Education in Spring 1985. To help familiarize the bilingual education community with the new legislation, this monograph presents the text of the Bilingual Education Act and a general description of its components.

The federal government's direct involvement with bilingual education began with the enactment of the Bilingual Education Act of 1968, which was reauthorized again in 1974, 1978, and 1984. The 1984 reauthorization process began in the House of Representatives in January 1983 when Rep. Carl Perkins of Kentucky introduced a bill (H.R. 11) that reauthorized several federal education programs. In March 1984, Reps. Dale Kildee of Michigan and Baltasar Corrada of Puerto Rico introduced a separate bill (H.R. 5231) that reauthorized the Bilingual Education Act with some modifications to the provisions of the 1978 Act. These Congressmen were later joined as sponsors by Reps. Steve Bartlett of Texas and John McCain of Arizona. The House Subcommittee on Elementary, Secondary and Vocational Education (House Committee on Education and Labor) passed H.R. 5231 in April 1984 and incorporated it into H.R. 11, substituting H.R. 5231 for the bilingual provisions of the latter bill.

The education bill next went to the full House Committee on Education and Labor for consideration. There a new provision for the inclusion of special alternative instructional programs was added to the bilingual education section.

The full House of Representatives passed the measure on July 26 by a vote of 307–85. No programmatic change was made in the bilingual section of the legislation; the bill that passed the House committee passed the full House. Immediately after passage, the House sponsors of H.R. 11 asked the Senate to consider the bill in a Senate-House conference committee instead of the more traditional process of Senate consideration at the subcommittee and committee levels. The House sponsors asked for this procedure because one component of H.R. 11, the Adult Education Act reauthorization, had already passed the Senate.

The Senate-House Conference Committee came to an agreement on the bill. The only significant changes in the bilingual section were a reduction of the reauthorization period from five to four years and a parental notification and consent provision. The legislation was now known as the Education Amendments of 1984.

The Senate approved the measure on October 3, 1984; the House approved it the next day. President Reagan signed the bill on October 19, 1984, making it Public Law (P.L.) 98-511.

While the bulk of federal support for bilingual education stems from this legislation, it is important to note that other laws authorize federal programs that support bilingual education activity. These include the bilingual vocational training provisions of the Carl D. Perkins Vocational Education Act of 1984, the refugee education provisions of the Refugee Act of 1980, and provisions of the Emergency Immigrant Education Act of the Education Amendments of 1984.

The following will briefly describe the provisions of the revised Bilingual Education Act (Title II of P.L. 98-511). The law's general provisions and each of the four major parts are discussed in individual chapters. The text of the Bilingual Education Act is included as an appendix.

General Provisions

The Bilingual Education Act has been reauthorized for four years—from October 1, 1984 to September 30, 1988. The law contains five sections: (1) General Provisions—an introductory section which includes policies, appropriations, definitions, and regulations; (2) Financial Assistance for Bilingual Education (Part A); (3) Data Collection, Evaluation, and Research (Part B); (4) Training and Technical Assistance (Part C); and (5) Administration (Part D).

The law's authorization for fiscal year 1985 is $176 million. This means that Congress can appropriate or spend up to this amount. The authorization levels for fiscal years 1986 through 1988 are not specified. Other funding provisions call for:

- At least 60 percent of funds for the Act as a whole to be set aside for financial assistance for bilingual education programs (Part A);
- At least 75 percent of the Part A amount to be reserved for transitional bilingual education programs;
- From 4 to 10 percent of the overall funds to be set aside for special alternative instructional programs;
- At least 25 percent of the funds to be reserved for training and technical assistance (Part C);
- The National Advisory and Coordinating Council for Bilingual Education to receive up to 1 percent of the funds not reserved for Parts A and C;
- State education agencies to be eligible for grants of at least $50,000, not to exceed 5 percent of the funds received under Part A the previous fiscal year.

While funding percentages for data collection, evaluation, and research (Part B) and for administration (Part D) are not specified in the legislation, funding levels will be assigned by the regulations from the Department of Education.

A significant new provision is that all school districts that operate programs under this Act must inform the parents or guardians of limited-English-proficient (LEP) students of the reasons why their child was designated as needing bilingual education services. Parents and guardians must also be told about alternative instructional programs available, if any, and about the nature of both the bilingual and alternative programs. Finally, parents must be informed of their right to decline enrollment of their child in either bilingual or alternative programs and thus keep the child in mainstream classrooms.

Any program authorized by the new law to operate in Puerto Rico may be designed to serve the needs of students of limited Spanish proficiency as well as students of limited English proficiency. Also, certain Indian or Alaskan native organizations can be considered as local education agencies (LEAs) for the purposes of this Act. Section 722(a)(2) further defines the necessary qualifications for the LEA designation.

Financial Assistance for Bilingual Education Programs

Part A

Program Grants

This chapter introduces three of the major programs funded under Part A. These are transitional programs, developmental programs, and special alternative instructional programs. Generally all are designed to help the limited-English-proficient (LEP) student achieve competency in English.

Transitional Bilingual Education Programs

Transitional programs, designed for LEP children, combine structured English language instruction with a native language component. These programs also incorporate the students' cultural heritage into the curriculum.

The programs must be designed to allow students to meet grade promotion and graduation requirements, and classes may include up to 40 percent non-LEP students. Children in these programs shall be placed, to the extent possible, in classes with others of the same age and grade level. When this is not feasible, the program must ensure that all students are provided with instruction that is appropriate to their level of school attainment. LEP children should attend mainstream classes for such subjects as art, music, and physical education.

Developmental Bilingual Education Programs

Developmental programs are full-time instructional programs of English and second language instruction designed to help children achieve competence in English and a second language. Classes shall, where possible, include approximately equal numbers of native English speakers and those LEP students whose native language is the second language of instruction and study.

Special Alternative Instructional Programs

Special alternative instructional programs for LEP students are specially designed programs in which native language instruction need not be used. The curriculum is comprised of English language instruction and special instructional services intended to facilitate the achievement of English competency. In awarding grants for these programs, priority will be given to applicants who include information on (1) the difficulty of conducting a bilingual education program in their district because of the presence of only small numbers of LEP students with a common native language; (2) the lack of qualified bilingual education personnel; and (3) the district's past or current experience in attempting to establish a bilingual education program.

The preceding three types of bilingual education programs are funded by three year-grants that are renewable for two additional years. Local education agencies (LEAs) are eligible to receive these grants and may apply for them alone or jointly with an institution of higher education. The grantees are required to devote six months to preservice activity immediately after the grant goes into effect. The Secretary of Education may waive this requirement if the Secretary determines that an applicant is able to operate the program successfully without preservice activity.

In their applications grant applicants must include information on the following areas:

- The number of all students in the district, broken down by public and private school attendance;
- The number of LEP students in the district;
- The method used to identify LEP students;

- The current condition of educational programs for LEP students, including—
  1. reading, mathematics, and other subject area test scores,
  2. data on grade retention,
  3. the rates of placement in special education classes,
  4. dropout rates;
- The number of LEP students currently enrolled in programs to meet their needs;
- The number of LEP students who need services they are not now receiving;
- The number of LEP students who would be served by the proposed program;
- A statement of the district's ability to educate LEP students, including the qualifications of the personnel involved and their need for further training;
- The activities to be undertaken under grant funding and how these activities will be continued after the grant ends;
- The specific goals of the proposed program and how achievement will be measured.

Applications must also be developed in consultation with an advisory committee. Parents and other representatives of LEP children to be served in the proposed program must constitute the majority of the committee. Furthermore, the LEA must document this consultative process as well as attest to the notification of the appropriate state education agency.

The Secretary must make a series of determinations about the capabilities of a given school district before giving final approval to a grant for that district. The determinations include whether qualified personnel will be used and whether the needs of private school students and historically underserved students will be considered. Further, the Secretary must determine whether the federal funds will supplement and not replace state and local funds, whether the district will provide adequate training for its bilingual personnel, and whether the district will continue the program after the grant ends. Finally, the Secretary must ensure that the program will be evaluated in accordance with regulations to be issued within six months after the law's enactment and that funds will be equitably distributed to serve LEP populations within those states that have local districts applying for grants.

Financial Assistance for Bilingual Education Programs:

Other Part A Programs

A number of other instructional programs funded by discretionary grants are authorized under Part A. These programs have varying grant durations and eligibility requirements.

Academic Excellence Programs

Academic excellence programs are programs of transitional bilingual education, developmental bilingual education, or special alternative instruction that have an established record of providing effective, academically excellent instruction for limited-English-proficient (LEP) students. These programs must be designed to serve as models of exemplary bilingual education programs and to disseminate information on effective bilingual education practices. The three-year grants for these programs are awarded to individual local education agencies or to these agencies in conjunction with other districts and/or institutions of higher education.

Applicants must provide data on:

- The number of children currently served by bilingual programs and evidence of the children's educational condition prior to the establishment of the bilingual program;
- A description of the current program and the educational background and linguistic competencies of the personnel involved;
- Evidence of the program's achievement of academic excellence, including test scores, and dropout and grade retention rates;
- Parent involvement in and satisfaction with the current program;
- How the proposed grant funding would "utilize and promote programs of academic excellence."

Family English Literacy Programs

Family English literacy programs are designed to help adults and out-of-school youth achieve English language competency. Preference for inclusion in the instructional program will be given to the immediate families of LEP students in programs funded under this Act. The program curriculum will include instruction on how parents and family members can assist LEP children with educational achievement. The language of instruction may be English only or English and the native language.

Grants are for three years and may be awarded to local education agencies, institutions of higher education, and private nonprofit organizations. Applicants can apply separately or jointly and must provide information on:

- The number of parents and out-of-school family members of LEP students who would be served under the proposed grant;
- A description of the program to be undertaken and an explanation of how this program will both increase literacy among the target population and enable parents and family members to assist in the education of LEP children;
- The extent to which the people to be instructed have participated in the development of the program;
- The past experience in providing English literacy instruction to adults and out-of-school youth;
- The extent to which LEP students in an LEA's district are

served by educational programs targeted to meet these students' needs;

- The extent to which non-LEA applicants will coordinate their programmatic efforts with the LEAs.

Preschool, Special Education, and Gifted and Talented Programs

Under the Act, one- to three-year grants may be awarded to local education agencies, institutions of higher education, and private nonprofit organizations to conduct preschool, special education, and gifted and talented programs. The programs, however, are to be "preparatory or supplementary to programs such as those assisted under this Act."

Instructional Materials Programs

One- to three-year grants will be awarded solely to develop instructional materials in languages in which such material is not commercially available. Eligibility to receive these grants is not specified in the legislation.

Data Collection, Evaluation, and Research

Part B

Part B funding is available to support the following general types of activity:

- Data collection on the number of limited-English-proficient (LEP) persons and the educational services being provided for them;
- Evaluation of the operation and effectiveness of programs funded under this Act;
- Research on the improvement of bilingual education programs;
- Data and information collection, analysis, and dissemination on the subject of bilingual education.

Grants to State Education Agencies

Grants will be awarded to state education agencies (SEAs) for the "collection, aggregation, analysis, and publication" of data on the states' LEP populations and the educational programs available for that population. Those SEAs that receive grants must submit annual reports to the Secretary which include LEP population data and other materials that the Secretary finds necessary. These reports must be disseminated to the public, especially to LEP persons.

The SEAs may also use grant funds for activities related to educational programs serving LEP students within the states such as: (1) planning, developing, reviewing, and evaluating programs; (2) providing technical assistance to educational organizations; (3) developing and administering assessment instruments; (4) training SEA and LEA staffs; and (5) capacity building. The funds must be used to supplement, not supplant, state funding that is made available for the aforementioned purposes.

Evaluation Regulations

Within six months after enactment of this law the Secretary of Education will issue regulations that provide a "comprehensive design for evaluating" Part A programs. The regulations will be developed by the Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) in consultation with the National Advisory and Coordinating Council on Bilingual Education (NACCBE). These regulations will relate to the collection of program and student information, including:

- LEP students' educational backgrounds, needs, and competencies;
- The program's specific activities, materials, and methods;
- The qualifications of the educational personnel;
- The degree of educational progress as determined by achievement tests; rates of grade retention, absenteeism, and dropouts; referrals to special education or gifted and talented programs; and enrollment in post-secondary education.

Evaluation Assistance Centers

Evaluation assistance centers will provide technical assistance to state education agencies and local education agencies upon request. At least two such centers—awarded as three-year grants to institutions of higher education—will be established.

Research

Contracts for research and development efforts in the field of bilingual education will be awarded on a competitive basis. Institutions of higher education, private nonprofit and for-profit organizations, SEAs, LEAs, and individuals are eligible. Various types of research will be undertaken, including studies to determine and evaluate effective methods of instruction and effective models for bilingual programs; studies to determine successful methods of teaching English to adults; and studies to determine effective approaches to preservice and inservice teacher training. The operation of a clearinghouse which will collect, analyze, and disseminate information about bilingual education and related programs is also authorized under this section.

Training and Technical Assistance

Part C

Part C funding will be used to:

- Establish, operate, and improve training programs for educational personnel preparing to participate in or actually participating in bilingual education or special alternative instructional programs;
- Train professionals to teach and counsel these educational personnel;
- Promote reform, innovation, and improvement in bilingual education as it applies to education curricula, professional structure in academic settings, and higher education faculty recruitment;
- Operate short-term institutes for education personnel;
- Provide inservice training and technical assistance to parents and education personnel who are preparing to participate in, or are currently participating in, bilingual education or special alternative instructional programs.

Multifunctional Resource Centers

Multifunctional resource centers are designed to provide technical assistance and training to bilingual personnel across the country. These centers are also mandated to gather and provide information to the other centers on specific areas of bilingual education. These areas include bilingual education's involvement with special education, administration, gifted and talented programs, adult and vocational education, mathematics and science instruction, literacy, career education, educational technology, and counseling for LEP students.

At least 16 centers will be funded by either grants or contracts. Eligible institutions are state education agencies (SEAs), private nonprofit and for-profit organizations, and institutions of higher education. Geographic and linguistic considerations will be taken into account in awarding these grants or contracts.

Fellowships

Fellowships are awarded to graduate students to support advanced study in the field of bilingual education or special alternative instructional programs. Preference in awarding these fellowships will be given to students planning to study the following specialized areas as they relate to bilingual education or special alternative instruction:

- vocational education
- mathematics and science education
- adult education
- literacy
- educational technology
- gifted and talented education
- special education.

Administration

Part D

The Office of Bilingual Education and Minority Languages Affairs (OBEMLA)

The programs authorized under the reauthorization will continue to be administered by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) in the U.S. Department of Education. The Director of OBEMLA will coordinate the bilingual education aspects of other programs administered by the Secretary. While the organizational structure of OBEMLA is to be determined by the Director, a new division "exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title" must be created under the new legislation.

The Secretary of Education

The Secretary will issue two reports on the condition of bilingual education in the nation by February 1, 1986 and February 1, 1988. The reports should include information on:

- The nationwide need for bilingual education;
- A five-year plan to extend programs of bilingual education, bilingual vocational education, and adult education programs to all preschool and elementary school limited-English-proficient (LEP) students and other persons of limited English proficiency—including provisions for the training of personnel;
- The activities carried out under this Act in the previous years;
- A projection of the activities to be carried out in the coming years, including numbers of personnel needed, teacher training plans, and an estimate of the number of fellowships needed in the succeeding years;
- Coordination with other programs.

The National Advisory and Coordinating Council on Bilingual Education (NACCBE)

The Secretary will appoint twenty people experienced in educating LEP students as council members. The council must include the following:

- Five state bilingual directors;
- Three researchers—two in bilingual education, the other in special alternative instruction;
- Two classroom teachers—one in bilingual education, the other in special alternative instruction;
- Two teachers trainers—one in bilingual education, the other in special alternative instruction;
- Two parents of LEP students;
- One officer of an organization for bilingual education personnel.

NACCBE will advise the Secretary on the regulations and policy matters relating to operating and administering this Act and other educational programs for LEP persons. The Council will also advise the Secretary on the development of criteria for the approval of applications and plans under this Act and submit an annual report to Congress and the President.

Appendix

The Text of the Bilingual Education Act (Title II of P.L. 98-511)

The Bilingual Education Act

(Title II of P.L. 98-511)

Title II — Revision of the Bilingual Education Act

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

Title VII — Bilingual Education Programs

Short Title

SEC. 701. This title may be cited as the 'Bilingual Education Act'.

Policy; Appropriations

SEC. 702. (a) Recognizing—

(1) that there are large and growing number of children of limited English proficiency;

(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

(7) that in some school districts establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

(9) that children of limited English proficiency have a high drop-out rate and low median years of education;

(10) that the segregation of many groups of limited English proficient students remains a serious problem;

(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

(13) that parent and community participation in bilingual education programs contributes to program effectiveness; and

(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The

programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the three succeeding years such sums as may be necessary, subject to paragraph (7).

(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the three succeeding fiscal years, subject to paragraph (7).

(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1).

(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this part; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1).

(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752.

(7) Notwithstanding paragraphs (1) and (2), no amount in excess of $176,000,000 is authorized to be appropriated to carry out the provisions of this title (including section 732) for fiscal year 1985.

Definitions; Regulations

SEC. 703. (a) The following definitions shall apply to the terms used in this title:

(1) The terms 'limited English proficiency' and 'limited English proficient' when used with reference to individuals means—

(A) individuals who were not born in the United States or whose native language is a language other than English;

(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation; and

(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional

bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

(6) The term 'special alternative instructional programs' means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

(8) The term 'programs of academic excellence' means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

(9) The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs.

(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

(12) The term 'Secretary' means the Secretary of Education.

(13) The term 'other programs for persons of limited English proficiency' when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to part E of title IV of the Carl D. Perkins Vocational Education Act, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

(b)(1) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

(2) The Secretary shall not prescribe under this title any regulations further defining the terms defined in paragraphs (4), (5), (6), (7), and (8) of subsection (a), or any regulations restricting or expanding the definitions contained in such paragraphs.

(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such programs.

PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

Bilingual Education Programs

SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

(1) programs of transitional bilingual education;

(2) programs of developmental bilingual education;

(3) special alternative instructional programs for students of limited English proficiency;

(4) programs of academic excellence;

(5) family English literacy programs;

(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

(b)(1)(A) A grant may be made under subsection (a), (1), (2), (3), or (4) of this section only upon application therefore by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

(b) A grant may be made under subsection (a) (5) or (6) only upon application therefore by one or more local educational agencies,

institutions of higher education, including junior or community colleges, and private nonprofit organizations, applying separately or jointly.

(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

(A) the number of children enrolled in programs conducted by the local educational agency;

(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

(H) the resources needed to develop and operate or improve the proposed program;

(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

(C) the extent to which the persons to be served by the program have been involved in its development;

(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may in-

clude program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

(i) the applicant's program does not comply with the requirements set out in this title;

(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

(iii) there is no longer a need for the applicant's program.

(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(f) An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; or

(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

(A) the geographic distribution of children of limited English proficiency;

(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title,

(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities; and

(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f)(2) of this section, the Secretary shall—

(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements, or

(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

Indian Children in Schools

SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—

(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

Use of Funds

SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

Grants for State Programs

SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval

of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

(c) State programs authorized under this section may also provide for—

(1) the planning and development of educational programs such as those assisted under this title;

(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

(5) the training of State and local educational agency staff to carry out the purposes of this title; and

(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay, from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than $50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

Program Evaluation Requirements

SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

Evaluation Assistance Centers

SEC. 734. The Secretary shall establish, through competitive grants to institutions of higher education, at least two evaluation assistance centers. Such centers shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of three years.

Research

SEC. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

(b) Research activities authorized to be assisted under this section shall include—

(1) studies to determine and evaluate effective models for bilingual education programs;

(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which

identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

(c) In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

Coordination of Research

SEC. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

Education Statistics

SEC. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish, as part of its annual report on the condition of education, data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

PART C—TRAINING AND TECHNICAL ASSISTANCE

Use of Funds

SEC. 741. (a) Funds available under this part shall be used for—

(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

(2) the training of persons to teach and counsel such persons;

(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

(b)(1) A grant or contract may be made under subsection (a)(1), (a)(2), or (a)(3) of this section upon application of an institution of higher education.

(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private forprofit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private forprofit or nonprofit organizations, or (C) a State educational agency.

(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721(e) of this title.

(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

(1) teaching English as a second language;

(2) use of a non-English language for instructional purposes;

(3) linguistics; and

(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

Multifunctional Resource Centers

SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish, through competitive grants or contracts, at least 16 multifunctional resource centers (hereafter in this section referred to as 'centers'). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

(b) In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

Fellowships

SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

(b) The Secretary shall undertake an on-going longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

Priority

SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

Stipends

SEC. 745. In the terms of any arrangement described in this part, the Secretary shall provide for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

PART D—ADMINISTRATION

Office of Bilingual Education and Minority Languages Affairs

SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the 'Office') through which the Secretary shall carry out functions relating to bilingual education.

(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

(2) The Office shall be organized as the Director determines to be appropriate in order to enable the Director to carry out such functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and infor-

mation on the operation and effectiveness of programs assisted under this title.

(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986 and 1988, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State and local efforts;

(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficient personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

National Advisory and Coordinating Council on Bilingual Education

SEC. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom shall be designated by the Secretary as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilingual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1988.

(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and in the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.